

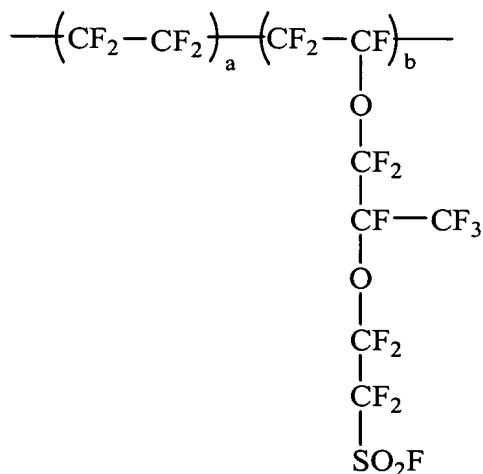
# REMARKS/ARGUMENTS

The Office required restriction in the present application on page 6 of the present Office Action, as follows.

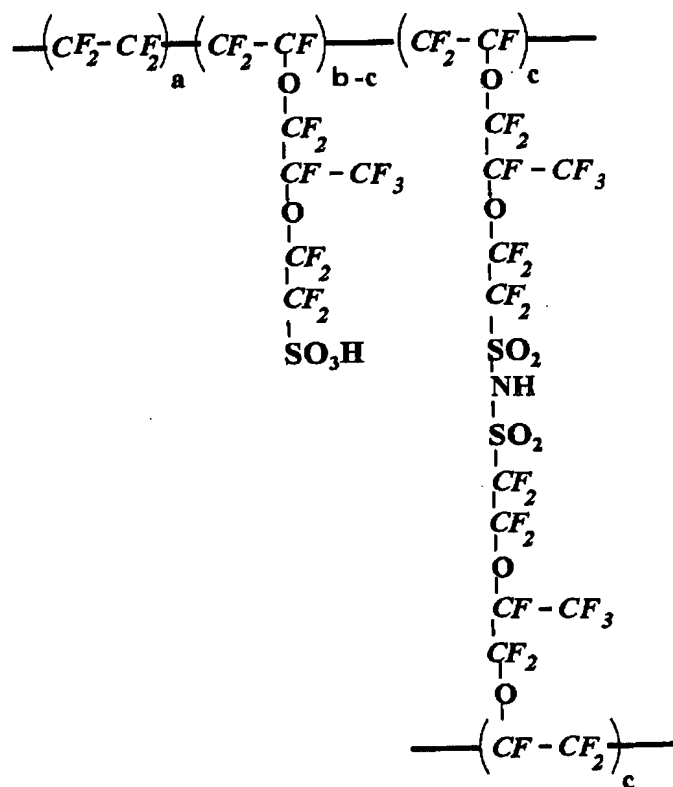
- I. Claims 1-8, drawn to a polymer modifying process. Claims 9-20 will be allowed to be rejoined with their dependent claims.
- II. Claims 21-22, drawn to another polymer modifying process being patentably different or distinct that that in the invention of Group I above.
- III. Claims 23-32, drawn to a modified polymer being patentably different or distinct from those in Groups I and II above. Claims 33-36 will be allowed to be rejoined with their dependent claims.

The Examiner also required a further election of species for each of the following groups of claims: claims 1-20, claims 21-22 and claims 23-36, as noted on pages 2-5 of the present Office Action.

Applicants elect, with traverse, Group I (claims 1-8) for further prosecution. Applicants note that claims 9-20 will be allowed to be rejoined. In addition, Applicants elect, with traverse, the following polymer containing electrolyte for examination purposes only:



Applicants also elect, with traverse, ammonia (NH<sub>3</sub>) for the amine compound, for examination purposes only. Applicants elect with traverse trimethylamine for the chemical base, for examination purposes only. Claims 1-20 read on the elected species. To assist the Examiner, Applicants direct the Examiner's attention to Examples 16-22 (pages 55-56) and pages 14, 15, 17-19 and 46 of the specification, in which some exemplary embodiments of the elected species are provided. Although not required for the election, Applicants note that the above elected species can result in the following modified electrolyte:



The Examiner has characterized the inventions of Groups I and II as related to processes with patentably different and distinct processing steps, and that have acquired separate status, as noted on pages 6 and 7 of the present Office Action. The Examiner has characterized the inventions of Groups (I and II) and Group III as related to process of making and product made, and in which the product can be made by a materially different

process, as noted on page 7 of the present Office Action. Thus, the Examiner required restriction of the above groups. The Examiner has also characterized each of the following groups of claims: claims 1-20, claims 21-22 and claims 23-36, as drawn to a plurality of disclosed, patentably distinct species, comprising many possible respective species, as discussed on pages 2-5 of the present Office Action. Thus, the Examiner required the elections, as noted on pages 2-5 of the present Office Action. Applicants respectfully traverse based on the following reasons.

Applicants submit that the Office has not made a proper restriction. Restriction is only proper if the claims of the restricted groups are either independent or distinct. There also must be a serious burden on the Examiner if restriction is required. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion in support of restriction (see MPEP § 803). Applicants respectfully submit that the Office has not demonstrated that it would be a serious burden to examine the entire application.

In regard to the restriction between Groups I and II, the Examiner provided only a general assertion that the processes have patentably different and distinct processing steps. However, the Examiner did not provide any reasons or examples to support this statement.

In regard to the restriction between Groups (I and II) and Group III, the Examiner provided only a general assertion that the solid polymer electrolyte, for use in a fuel cell technology, can be made by another and materially different process. However, the Examiner did not provide any reasons or examples, in terms of a description of such a process, for example, to support this statement.

Thus, the Examiner has not supported restriction of Groups I, II and III, and has not shown that it would be a serious burden to search and examine all the claims together. Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

Applicants also submit that the Office has not made a proper requirement for an election of species. There must be a serious burden on the Examiner if an election or restriction is required. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion in support of an election or restriction (see MPEP § 803). Applicants respectfully submit that the Office has not demonstrated that it would be a serious burden to examine the entire application.

In addition, Applicants submit that the Office has not provided any reasons to support the conclusion of patentable distinctness with respect to the elected species, but rather has merely stated the conclusion. Applicants note that for restriction to be proper, there must be a patentable difference between the species as claimed (see MPEP § 808.01(a)).

Applicants make no statement regarding the patentable distinctness of the species, but note that, in regard to the elections for claims 1-20, the Examiner generally concluded that these claims are generic to a plurality of disclosed, patentably distinct species, as noted on pages 2 and 3 of the present Office Action. For example, the Examiner generally concluded that claims 1-20 are generic to a plurality of disclosed, patentably distinct species, comprising many possible amine containing compounds in the art. However, the Examiner did not provide any reasons or examples to support this statement, and thus, has not supported the requirement for this election. Similarly, the Examiner generally concluded that Claims 1-20 are generic to a plurality of disclosed, patentably distinct species, comprising many possible polymer containing electrolytes and their precursors in the art. Again, the Examiner did not provide any reasons or examples to support this statement. The Examiner also generally concluded that Claims 1-20 are generic to a plurality of disclosed, patentably distinct species, comprising many possible chemical base compounds in the art, without providing reasons or examples to support this statement. Moreover, the Examiner did not

provide any reasons or examples to support the requirement for an election of the respective species for the claims 21-22 and claims 23-36 (see pages 2-5 of the present Office Action).

Therefore, the Office has not supported its conclusion of the above election of species, and has not shown that it would be a serious burden to search and examine all the claims together. Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

Applicants also respectfully submit that if the invention is so narrowed, as to cover only the elected species, as discussed above, Applicants cannot adequately claim the invention, without filing numerous patent applications. This is an undue burden on the Applicants.

Finally, with respect to all the elected species, Applicants respectfully submit that should an elected species be found allowable, the Office should expand its search to the respective non-elected species.

Accordingly, for at least the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary, in order to sustain the requirement for a restriction and an election of species in the present application. Applicants respectfully request the withdrawal of the Restriction and Election of Species Requirement.

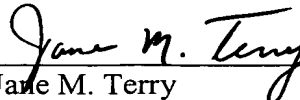
Applicants respectfully submit that the present application is now in condition for examination on the merits, and request early notice of such action.

Respectfully submitted,

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